



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/169049

PRELIMINARY RECITALS

Pursuant to a petition filed September 30, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a telephonic hearing was held on October 22, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the petitioner is entitled to more FS than he was issued for September 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Simone Johnson, HSPC Sr.
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On August 11, 2015 the petitioner completed a renewal for FS.

3. On August 12, 2015 the agency issued a Notice of Proof Needed to the petitioner requesting that he verify his employment. The information was due back to the agency by August 21, 2015. Petitioner failed to provide the requested information to the agency by the deadline.
4. The agency issued petitioner \$67 in FS for September 2015.

DISCUSSION

Federal regulations that govern the FS program require that certain items must be verified, that is, confirmed by documentation or third party contacts. 7 CFR 273.2(f)(2). Local agencies may request verification of other factors if information provided at application, review, or reported change is questionable, unclear, or incomplete and would have an effect on FS eligibility or benefit level. *FoodShare Handbook*, §1.2.5 (available online at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>.) Such items include student status, gross nonexempt income, residency and shelter costs. See, 7 C.F.R. §273.2(f), generally.

The local agency must give food units at least 10 days to provide required verification. *FoodShare Handbook*, §1.2.1. Requests for verification must be made in writing, and workers are required to give the customer notice regarding required verification, when it is due to the agency, and the consequences of not verifying timely. If an individual does not provide verification within the requested timeframe, FS are to be denied. See *FoodShare Handbook*, §1.2.1.2.

In this case, for whatever reason, the agency issued petitioner FS for September despite his failure to provide the requested income verification. Petitioner did not dispute that he failed to provide the information, but for whatever reason, thought that because he only worked two days, that he did not have to provide it. He provided no evidence to show that he was entitled to anymore FS than he already received. I will not disturb the agency's issuance for September.

CONCLUSIONS OF LAW

There is no evidence to show that the petitioner is entitled to more FS than he was issued for September 2015.

THEREFORE, it is

ORDERED

The petition for review herein is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 10th day of November, 2015

\sKelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 10, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability